

**Meeting of the Central Valley Flood Protection Board
February 26, 2009**

**Draft Staff Report
Acquisition of Flood Control Easements
City of West Sacramento, Triangle High Ground Area, Yolo County**

Item

Consider approval of Resolution 09-02 requesting the DWR Real Estate Branch to acquire all necessary real property and flood control easement rights in the City of West Sacramento Triangle area from underlying owners on behalf of the Sacramento – San Joaquin Drainage District.

Location

The Triangle High Ground Area is located along the west (right) bank of the Sacramento River, just south of the Tower Bridge in the City of West Sacramento, Yolo County and is in Reclamation District 900.

Project Description

In the early part of the 20th century the levees along the right (west) bank of the Sacramento River were incorporated into the Sacramento River Flood Control Project. At that time no easements were acquired for the project in the area known today as the Triangle high ground area. This area is not naturally high ground, but became so over time due to its use as a spoil site for dredge material from the Sacramento River. The build up of spoil material from the river not only created the high ground, but also covered the levee prism.

The current owners of the Triangle area wish to develop their properties. Since the landowner's proposal could be injurious to or interfere with the successful execution, functioning, or operation of the flood control project, the landowner must apply to the board for an encroachment permit. With this project the obliteration of the levee prism and the lack of easements have created confusion as to the where the Board has jurisdiction, and for what areas local property owners must obtain encroachment permits prior to construction.

The landowners and the city of West Sacramento have been working with Board staff for a number of years to determine how to protect the public safety and allow development to occur. In March of 2008 the city of West Sacramento presented this issue to the Board requesting feedback, which it received.

As a result of that feedback, the City and landowners have offered to dedicate (or sell for a nominal amount) easements to the State to clarify the location of the Sacramento River Flood Control Project levees. The city and property owners have established a “building setback line” which could be used to determine the most landward part of the easement. The building setback line was established by applying the following criteria applicable to the Sacramento River Flood Control Project:

- 3:1 water side slope, located to protect against past and future erosion. This slope does not daylight at any location when projected along the existing riverbank.
- 20 foot top width.
- Top of levee elevation equals actual ground (which is 1.5 feet higher than the 1957 design profile plus freeboard).
- 2:1 land side slope to estimated native grade.
- 10 foot “virtual” inspection road.

The building setback line was also designed to accommodate future levee improvements, including raising the levee to accommodate 200-year flood protection.

Board staff reviewed the building setback line and provided preliminary positive feedback. Corps Sacramento District Operations and Readiness Branch (in charge of Operations and Maintenance oversight) and Engineering Branch participated in development and review of this proposal and support it going forward to the Board for approval. DWR's Real Estate Branch, while not able to begin official work on this project before the Board approves this action, did participate at key steps during development of this proposal and also supports this item going forward to the Board. Following Board approval the Real Estate Branch will implement the project for the Board by drafting and accepting easements.

Local Agency Endorsement

Because this is not an application for an encroachment permit no written endorsement has been provided by Reclamation District 900, but the District has been an active participant throughout development of the proposed solution.

Proposed CEQA Determination of Exemption

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is exempt from CEQA under CEQA Guidelines Section 15061 (b) (3) because the activity is

covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA.

The proposed acquisition of easements will not lead to rebuilding the levee, but will more clearly define the levee (and thus the extent of Board jurisdiction) as it currently exists. Future development in the Triangle area including residential, commercial, recreation, and flood control projects may require Board encroachment permits, and will need to be evaluated for CEQA compliance at that time.

Need for Board Action

This approval will allow the State of California to acquire flood control easements for the Sacramento River Flood Control Project in the Triangle high ground area of West Sacramento and will give the landowners and city of West Sacramento certainty as to the landward extent of the Sacramento River Flood Control Project.

Staff Recommendation

Staff recommends the Central Valley Flood Protection Board approve Resolution 09-02 finding the project exempt from CEQA and requesting the Department of Water Resources, Division of Engineering, Real Estate Branch to acquire all necessary real property rights to clear title for the Sacramento River Flood Control Project in the city of West Sacramento Triangle high ground area by acquiring all necessary easements through dedication or for nominal compensation.

List of Attachments

Resolution 09-02

CENTRAL VALLEY FLOOD PROTECTION BOARD
RESOLUTION NO. 09-02

RESOLUTION REGARDING ACQUISITION OF FLOOD CONTROL EASEMENTS,
CITY OF WEST SACRAMENTO, TRIANGLE HIGH GROUND AREA, YOLO COUNTY

WHEREAS, the Central Valley Flood Protection Board (Board) is the non-federal sponsor for the Sacramento River Flood Control Project (Project); and

WHEREAS, when the Sacramento River Flood Control Project was constructed by the U.S. Army Corps of Engineers (Corps), and the levees along the right (west) bank of the Sacramento River were incorporated into the Project no easements were acquired in the name of the Sacramento and San Joaquin Drainage District (SSJDD) for the area now known as the Triangle high ground area in the city of West Sacramento (City); and

WHEREAS, the lack of any such easements, coupled with the high ground in this area, has created confusion as to where the Board has jurisdiction, and for what areas local property owners must obtain encroachment permits prior to construction; and

WHEREAS, the landowners and the City have offered to dedicate (or sell for a nominal amount) easements to the SSJDD to clarify the location of the Sacramento River Flood Control Project levees; and

WHEREAS, the easements offered by the landowners and the City include a reservation for the City to later construct a continuation of the City's River Walk and other infrastructure, all subject to issuance by the Board of any necessary encroachment permits; and

WHEREAS, the Board has determined these easements are necessary for flood control purposes; and

WHEREAS, the City and property owners proposed a building setback line which could be used to determine the most landward part of the easement; and

WHEREAS, the building setback line was established by applying the following criteria developed by the Board's staff in conjunction with the landowners and City: a 3:1 water side slope located to protect against past and future erosion, a 20 foot top width, a top of levee elevation which equals actual ground (which is 1.5 feet higher than 1957 design profile plus freeboard), a 2:1 land side slope to estimated native grade, and a 10 foot "virtual" inspection road; and

WHEREAS, Board staff along with the Operations and Readiness and Engineering Branches of Corps Sacramento District support establishment of new easements based on the above approach, and

WHEREAS, this approval will allow the SSJDD to acquire flood control easements for the Sacramento River Flood Control Project in the Triangle high ground area of the City and will give the landowners and City certainty as to the landward extent of the Sacramento River Flood Control Project, and

WHEREAS, Board staff recommend that the Board, acting as the CEQA lead agency, determine that the project is exempt from CEQA under CEQA Guidelines Section 15061 (b) (3) because it can be seen with certainty that there is no possibility that the acquisition of easements will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL VALLEY FLOOD PROTECTION BOARD THAT:

The Board finds that the acquisition of easements is a project exempt from CEQA.

The Board directs the Department of Water Resources, Division of Engineering, Real Estate Branch to acquire and accept all necessary flood control easements for the Sacramento River Flood Control Project in the city of West Sacramento Triangle high ground area by acquiring all necessary easements through dedication or for nominal compensation in the name of the Sacramento and San Joaquin Drainage District consistent with the criteria contained herein.

PASSED AND ADOPTED by vote of the Board on _____, 2009

Benjamin F. Carter
President

Maureen (Lady Bug) Doherty
Secretary